

OPI Recommendations to the SAVA Committee

In regards to:

HB 84 (2015) Election Law General Revision Bill – Cleanup

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The provision in HB 84 (2015) to repeal the exemption for late registration for school districts came with unintended consequences. There are only 56 counties in the state of Montana, but 411 fiscal school districts. Montana counties have access to the MT Votes system to track ballots and voters, but school districts do not. To coordinate the provisions of late registration requires remarkable, manual coordination between the counties and MT school districts. If an elector transfers from one county to another, the elector would always be issued a provisional ballot, as there's no way for the county to verify whether or not a voter should be issued a regular ballot.

For example, when a voter comes in to late register for a county election, the voter's new information is entered into the MT Votes system, and the previous ballot, issued or not, is canceled in the MT Votes system. However, when an elector late registers for a school election, the election administrator in the new school district (either the county election administrator or the school district clerk) must contact the election administrator in the old school district (either the county election administrator or the school district clerk – or both) to see if a ballot has been issued. If a ballot has been issued, the new election administrator must issue the elector a provisional ballot and wait until after the election has been conducted to verify whether or not the elector cast a ballot in the previous jurisdiction. Handling of provisional ballots requires school districts to pay election judges to return for a second count, six days after the original election.

To further complicate matters, many school districts, due to lack of interest in trustee positions, cancel their elections by acclamation. There is no requirement that a district share that information with either the county or the Office of Public Instruction.

In order to facilitate communication between school districts and county election administrators for the purpose of coordination of the provisions of late registration, the Office of Public Instruction recommends the following cleanup language from HB 84 (2015):

**20-20-201. Calling of school election.** (1) At least 70 days before any school election, the trustees of a district or other entity or official authorized by law to call a school election shall call the school election by resolution, stating the date and purpose of each election and whether, pursuant to 13-19-202, any election is requested to be by mail.

(2) To enable the county election administrator to manage voter registration and prepare the lists of registered electors:

(a) the resolution calling for a school election must be transmitted to the county election administrator and the superintendent of public instruction no later than 3 days after the resolution is passed; and

(b) if the election is to be conducted by mail, the school clerk must also transmit to the county election administrator a copy of the written plan required under 13-19-205 as soon as the plan has been approved by the secretary of state.

**20-3-313. Election by acclamation -- notice.** (1) If the number of candidates filing for vacant positions or filing a declaration of intent to be a write-in candidate under 20-3-305(2)(b) is equal to or less than the number of positions to be elected, the trustees may give notice that a trustee election will not be held. Notice must be given no later than 30 days before the election.

(2) If a trustee election is not held, the trustees shall declare elected by acclamation the candidate who filed for the position or who filed a declaration of intent to be a write-in candidate and shall issue a certificate of election to the candidate.

(3) An election for a trustee in a single-member district as provided in 20-3-338 or in a trustee nominating district as provided in 20-3-353 is considered a separate trustee election for the purposes of declaring election by acclamation as provided in this section.

(4) A copy of the notice should be send to the superintendent of public instruction within 3 days of declaring the election by acclamation.

The recommended changes do not eliminate the need for districts to issue provisional ballots, but the Office of Public Instruction would be able to provide reports to districts and counties, providing information about the status of elections in other school districts. In districts where an election is not being held, electors transferring from that district to another would never be issued a provisional ballot. These changes have been recommended to us by county superintendents, county election administrators, MASBO, and the Secretary of State's office.

In addition, the Office of Public Instruction recommends that the close of regular registration notice referenced in 13-2-301, MCA be the responsibility of the county election coordinator, as the provisions of late registration reside with the county, and it's causing confusion for school districts, as to when the notice must be published and where (for joint county districts) and for voters, as to where the registration takes place (must register at the county, but the school district is publishing the notice). An example of the issue is included for your reference.

**13-2-301. Close of regular registration -- notice -- changes.** (1) The county election administrator shall:

(a) close regular registrations for 30 days before any election; and

(b) except as provided in subsection (5), publish a notice specifying the day regular registrations will close and the availability of the late registration option provided for in 13-2-304 in a newspaper of general circulation in the county at least three times in the 4 weeks preceding the close of registration or broadcast a notice on radio or television as provided in 2-3-105 through 2-3-107, using the method the election administrator believes is best suited to reach the largest number of potential electors. The provisions of this subsection (1)(b) are fulfilled upon the third publication or broadcast of the notice.

(2) Information to be included in the notice must be prescribed by the secretary of state.

(3) An application for voter registration properly executed and postmarked on or before the day regular registration is closed must be accepted as a regular registration for 3 days after regular registration is closed under subsection (1)(a).

(4) An elector who misses the deadlines provided for in this section may register to vote or change the elector's voter information and vote in the election, except as otherwise provided in 13-2-304.

~~—(5) The method of a notice about the close of regular registration for a school election must be as specified in 20-20-204.~~

# Notice of Close of Voter Registration

NOTICE IS HEREBY GIVEN that voter registration\* for the upcoming School District and Rural Fire District Elections to be held on May 3, 2016 for the following School and Rural Fire Districts will close at 5:00 p.m. on Monday, April 4, 2016.

School District # 3 ..... Manhattan  
School District # 7 ..... Bozeman  
School District # 15 ..... Willow Creek  
School District # 20 ..... Springhill  
School District # 22 ..... Cottonwood  
School District # 24 ..... Three Forks  
School District # 25 ..... Pass Creek  
School District # 27 ..... Monforton

School District # 35 ... Gallatin Gateway  
School District # 41 ..... Anderson  
School District # 43 ..... LaMotte  
School District # 44 ..... Belgrade  
School District # 47 ..... Malmborg  
School District # 69 ... West Yellowstone  
School District # 72 ..... Big Sky  
School District # 75 ..... Amsterdam

Big Sky Fire Department  
Rural Fire District

Gallatin River Ranch  
Rural Fire District

\*NOTE: If you miss this regular registration deadline, you may still register for the election by going into the Gallatin County Election Office, 311 W. Main, Room 210, Bozeman, up to and including Election Day.

All qualified registered electors of the above listed school and rural fire districts are entitled to vote in said election.

Persons wishing to register or update your registration may do so by appearing in the Election Office in the Gallatin County Courthouse, 311 W. Main, Room 210, or by requesting an application for registration be mailed to you by calling 406-582-3060. Voter Registration Applications are available online at [www.sos.mt.gov](http://www.sos.mt.gov) or at [www.gallatin.mt.gov](http://www.gallatin.mt.gov).

If you have moved, it is necessary to update your registration.

*Dated this 9th day of March.*  
*Charlotte Mills, Election Administrator*  
*Gallatin County, Montana*



## Joint Districts FY2015-16

0007	Wise River Elem	01	Beaverhead	Located
		12	Deer Lodge	Non-located
0010	Wisdom Elem	01	Beaverhead	Located
		12	Deer Lodge	Non-located
0179	Spring Creek Elem	09	Custer	Located
		38	Powder River	Non-located
0227	Richey Elem	11	Dawson	Located
		42	Richland	Non-located
0330	Bigfork Elem	15	Flathead	Located
		24	Lake	Non-located
0331	Bigfork H S	15	Flathead	Located
		24	Lake	Non-located
0354	Willow Creek Elem	16	Gallatin	Located
		22	Jefferson	Non-located
0360	Three Forks Elem	16	Gallatin	Located
		04	Broadwater	Non-located
		22	Jefferson	Non-located
0361	Three Forks H S	16	Gallatin	Located
		04	Broadwater	Non-located
0453	Whitehall Elem	22	Jefferson	Located
		28	Madison	Non-located
		47	Silver Bow	Non-located
0454	Whitehall H S	22	Jefferson	Located
		28	Madison	Non-located
		47	Silver Bow	Non-located
0458	Cardwell Elem	22	Jefferson	Located
		28	Madison	Non-located
0474	Arlee Elem	24	Lake	Located
		32	Missoula	Non-located
		45	Sanders	Non-located
0475	Arlee H S	24	Lake	Located
		32	Missoula	Non-located
		45	Sanders	Non-located
0577	Alborton K-12 Schools	31	Mineral	Located
		32	Missoula	Non-located
0584	Missoula H S	32	Missoula	Located
		24	Lake	Non-located



## Joint Districts FY2015-16

0607	Melstone Elem	33	Musselshell	Located
		44	Rosebud	Non-located
0608	Melstone H S	33	Musselshell	Located
		44	Rosebud	Non-located
0635	Springdale Elem	34	Park	Located
		49	Sweet Grass	Non-located
0705	Broadus Elem	38	Powder River	Located
		06	Carter	Non-located
0706	Powder River Co Dist H S	38	Powder River	Located
		06	Carter	Non-located
0712	Deer Lodge Elem	39	Powell	Located
		12	Deer Lodge	Non-located
0713	Powell County H S	39	Powell	Located
		12	Deer Lodge	Non-located
0743	Florence-Carlton K-12 Schls	41	Ravalli	Located
		32	Missoula	Non-located
0747	Savage Elem	42	Richland	Located
		11	Dawson	Non-located
0777	Culbertson Elem	43	Roosevelt	Located
		42	Richland	Non-located
0800	Ashland Elem	44	Rosebud	Located
		38	Powder River	Non-located
0815	Hot Springs K-12	45	Sanders	Located
		24	Lake	Non-located
0850	Reed Point Elem	48	Stillwater	Located
		49	Sweet Grass	Non-located
0851	Reed Point H S	48	Stillwater	Located
		49	Sweet Grass	Non-located
0852	Molt Elem	48	Stillwater	Located
		56	Yellowstone	Non-located
0861	Absarokee Elem	48	Stillwater	Located
		05	Carbon	Non-located
0948	Judith Gap Elem	54	Wheatland	Located
		14	Fergus	Non-located
		23	Judith Basin	Non-located
0949	Judith Gap H S	54	Wheatland	Located
		23	Judith Basin	Non-located



## Joint Districts FY2015-16

0970	Laurel Elem	56	Yellowstone	Located
		05	Carbon	Non-located
0978	Broadview Elem	56	Yellowstone	Located
		33	Musselshell	Non-located
		48	Stillwater	Non-located
0979	Broadview H S	56	Yellowstone	Located
		33	Musselshell	Non-located
		48	Stillwater	Non-located
1203	Saco Elem	36	Phillips	Located
		53	Valley	Non-located
1205	Charlo Elem	24	Lake	Located
		45	Sanders	Non-located
1206	Charlo H S	24	Lake	Located
		45	Sanders	Non-located
1207	Rocky Boy Elem	21	Hill	Located
		08	Chouteau	Non-located
1227	Shields Valley Elem	34	Park	Located
		16	Gallatin	Non-located
1230	Lame Deer H S	44	Rosebud	Located
		02	Big Horn	Non-located
1235	Dutton/Brady K-12 Schools	50	Teton	Located
		37	Pondera	Non-located
1236	Chester-Joplin-Inverness El	26	Liberty	Located
		21	Hill	Non-located
1237	Chester-Joplin-Inverness HS	26	Liberty	Located
		21	Hill	Non-located